

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DANIEL ARMENDARIZ,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:19cv1046-MHT
)	(WO)
COMMISSIONER DUNN, et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit claiming that the defendant correctional officials and employees failed to protect him from being stabbed 16 times by another prisoner and that certain defendants showed deliberate indifference to a substantial risk of serious harm by delaying his receipt of medical care. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motions for summary judgment be granted. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes

that the magistrate judge's recommendation should be adopted.*

An appropriate judgment will be entered.

DONE, this the 9th day of March, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

* The court clarifies that its decision is based on plaintiff's failure to put forth sufficient evidence in support of his claims to survive summary judgment. To the extent that the recommendation can be read as making affirmative factual findings or concluding that defendants' actions were constitutional, the court does not adopt those findings, as they are unnecessary to the result, and are not the court's proper role on summary judgment.